

## **REMARKS**

Claims 1-41 were pending in the present application. Claims 1-38 were withdrawn from consideration. By virtue of this response, claim 39 has been amended, and new claims 42-44 have been added. Accordingly, claims 39-44 are currently under consideration. Amendment and cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented. No new matter has been added.

### **Rejection under 35 USC § 102(b)**

Claims 39-41 are rejected under 35 USC § 102(b) as allegedly being anticipated by US Patent No. 4,994,069 to Ritchart et al.

Claim 39 recites a method including the passing of a first space-occupying element and the passing of a second space occupying element. Further, Claim 39 recites wherein the first space-occupying element is attached to the second space-occupying element

Ritchart et al. fail to disclose passing more than one space-occupying element through the catheter and distal exit. In fact, Richart et al. fail to disclose any method using more than one space-occupying element. Further, Ritchart et al. fail to disclose a method where the first space-occupying element is attached to the second space-occupying element.

Applicant respectfully submits that Claim 39 is therefore not anticipated by Ritchart et al. Claims 40 and 41 are dependent from Claim 39 and are therefore allowable for at least the same reasons as Claim 39.

### CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejections and pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the appropriate fee and/or petition is not filed herewith and the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with this filing to Deposit Account No. 50-3973 referencing Attorney Docket No. FGRTNZ00200. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,



David A. Levine  
Registration No. 48,821

**Customer No. 40518**  
Levine Bagade Han LLP  
2483 East Bayshore Road, Suite 100  
Palo Alto, CA 94303  
Direct: (650) 242-4214  
Fax: (650) 284-2180